

BOARD OF PUBLIC WORKS & SAFETY
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Mayor Charles Henderson called the meeting to order at 6:00 p.m.

PRESENT: Board members Warren Beville, Mayor Henderson, Kevin Hoover;
Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis;
and Director of Engineering Paul Peoni.

Mr. Beville moved that the minutes of August 10th be approved as mailed.
Second by Mr. Hoover. Vote: Ayes.

Tony Pierle of Home Remodeling, Inc. represented Ed and Pat Barnard to ask for encroachment of a public service easement at 364 Exeter Court – The Trace, Lot 8, Phase I – for a room addition. Mr. Pierle had received letters from all the utilities to give their consent. Mr. Peoni noted that The Trace was developed in the County in the 1970's and he had no construction plans. It appears that there are no storm sewers in the area, and Mr. Peoni added that the plat can be used for utilities, sanitary sewers and storm sewers. Mayor Henderson visited the site also and was told the covenants allowed them to build up to 12' out, but as telephone and utility lines were at the 12' mark, they decided to go 10'. The Mayor indicated that the unit south of this has a porch area farther out. The addition at 364 Exeter would not obstruct anyone's view. Mr. Peoni told the Board that the Sanitation Superintendent had also given his approval. He then read from a letter sent by The Trace, Inc. Board of Directors agreeing to the construction of a sunroom and additional porch patio. Mr. Hoover moved to grant the encroachment request, subject to the Engineering Department's review and confirmation of all the appropriate easement letters and that the construction plans be acceptable. Second by Mr. Beville. Counsel noted that this will be at the homeowner's risk if any utility needs to work in the easement. Mr. Pierle will try to get a copy of the minutes of the Board of Directors meeting of 3/21/06. Vote: Ayes.

Troy Terew of True North Surveying appeared to request a waiver for a dry detention basin for Main Street Shoppes, Phase I and Phase II. This is the former Hardee's on East Main Street. Mr. Peoni stated that he had reviewed the drainage calculations. He is comfortable with the concept, but would like to talk with Mr. Terew about one or two minor points. Mr. Peoni indicated that the drainage goes to the west and the company is meeting our standards for dry detention. Mr. Beville moved to grant the request for dry detention for Main Street Shoppes, Phase I and II, based on final review by the Engineering Department. Second by Mr. Hoover. Vote: Ayes.

Mr. Terew then pointed out that the subdivision control ordinance requires 2' of cover over storm pipes. There are a couple of locations, he said, where the cover will be less than 2', but still greater than 1'. The pipe will be reinforced concrete. Mr. Peoni told the Board that Engineering does not have an issue with that request, and it will be a private system. Mr. Hoover moved to grant the request for the waiver of the ordinance requirement of 2' of cover over storm sewer pipes, subject to final review and approval of the placement and depth by the Engineering Department. Second by Mr. Beville. Vote: Ayes.

Next was the issue of Arthur J. Gallagher Risk Management Services, Inc. requesting an amendment to the Insurance Compensation Agreement. Mayor Henderson recounted that there is a motion by the Mayor, seconded by Mr. Beville, on the table from the last meeting. The issue was taken under advisement. Mayor Henderson noted he has met with Fleet Maintenance Supervisor Todd Petty, Human Resources Director Bill Jackson and the City Attorney and that staff is in agreement that the company has not met its obligation. the City is under no obligation to extend the timeline. At the last

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meeting the motion was to deny the request for extension. Vote: Ayes. Mr. Beville then moved to deny the July payment of \$15,000. Second by Mr. Hoover. Vote: Ayes. The Mayor directed the City Attorney to notify Arthur J. Gallagher Risk Management Services, Inc. of this action.

Mayor Henderson reported that the nuisance at 413 Glenn Drive has been abated.

From the audience, Alan Corbin came forward regarding 1213 Winston Court in The Chateaux at Woodfield. He recounted that the Board earlier had denied a request concerning encroachment of a fence in a storm water easement. Mr. Corbin requested encroachment in close proximity to the storm water drain (within about 2') so that they can better utilize the property. Mr. Peoni recalled that he had recommended that the Board deny the original request because of the depth of the pipe and where they had asked to locate the fence. In talking with Mr. Corbin after that request was denied, Mr. Peoni had told him that he would have to come before the Board in regard to offsetting the property line. The Director of Engineering clarified that Mr. Corbin still wants to encroach the easement, but not all the way to the property line because of the location of the storm sewer. The Board looked at a drawing and further discussed the depth of the posts for the fence (about 30"). The pipe is a 12" concrete pipe. At the earlier meeting, the main concern was damage to the pipe during installation of the fence, and the secondary concern was access to the easement. After more discussion, Mr. Hoover moved to grant the encroachment request so that the fence is at least 2' off dead center top of the existing storm sewer pipe, that the pipe be located with the assistance of Mr. Corbin and the Engineering staff, with the understanding that if the City needs access to the easement, any damage to the fence will be at the owner's expense. Second by Mr. Beville. Vote: Ayes.

Mr. Beville moved that the claims be approved as presented through August 24th. Second by Mr. Hoover. Vote: Ayes.

Mayor Henderson reported that the overlay project and the Valle Vista projects are proceeding on schedule.

With no further business, the meeting adjourned at 6:30 p.m.

Charles E. Henderson, Mayor

Jeannine Myers, Clerk-Treasurer